

# **Exhibit 12**

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	12/005,229	MOSKOWITZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CAROL S. TSAI	2857	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/15/2009.
2. ☒ The allowed claim(s) is/are 21-24 and 26-73, now renumbered as 1-52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date <u>2/29/2008</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____.</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
|---|--|

/Carol S Tsai/  
 Primary Examiner, Art Unit 2857

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## **DETAILED ACTION**

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on September 10, 2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U. S. Patent No. 7,346,472 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Allowable Subject Matter***

2. Claims 21-24 and 26-73 are allowed.

3. The following is a statement of reasons for the indication of allowable subject matter:

4. U. S. Patent No. 6,088,455 to Logan et al. is the reference closest to the claimed invention. Logan et al. disclose an electronic system for monitoring and analyzing at least one signal, comprising: a first input that receives at least one reference signal to be monitored, a first processor that creates an abstract of each reference signal input to said first processor through said first input; a second input that receives at least one query signal to be analyzed, a second processor that creates an abstract of each query signal; a reference database that stores abstracts of each at least one reference signal; a comparing device that compares an abstract of said at least one query signal to the abstracts stored in the reference database to determine if the abstract of said at least one query signal matches any of the stored abstracts. However, Logan et al. do not teach the abstract comprising signal characteristic parameters configured to

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differentiate between a plurality of versions of the reference signal; a second processor that creates an abstract of each query signal wherein the abstract comprises signal characteristic parameters of the query signal; and a match indicating the query signal is a version of at least one of the reference signals; and including all of the other limitations in the respective independent claims.

5. U. S. Patent No. 6,088,455 to Logan et al. is the reference closest to the claimed invention. Logan et al. disclose a method for monitoring the distribution of data signals, comprising: creating an abstract for a data signal; storing the data signal abstract in at least one reference database; receiving a query signal; creating an abstract for the query signal based on the parameters; comparing the created data signal abstract to at least one database of data signal abstracts, each abstract in the at least one database corresponding to a data signal; and determining the status for the created data signal abstract based on the comparison. However, Logan et al. do not teach the data signal abstract comprising signal characteristic parameters configured to differentiate between a plurality of versions of the data; comparing the created query signal abstract to the at least one database of data signal abstracts, each abstract in the at least one database corresponding to a version of the data signal; and determining whether the query signal abstract matches any of the stored data signal abstracts in the at least one database to enable authorized transmission or use of the query signal for the query signal abstract based on whether a match was determined; and including all of the other limitations in the respective independent claims.

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6. U. S. Patent No. 6,088,455 to Logan et al. is the reference closest to the claimed invention. Logan et al. disclose a system for identifying and distributing signals, comprising: a first input that receives a query abstract of a signal to identify; a database containing a plurality of signal abstracts, the plurality of signal abstracts each associated with a corresponding signal; a comparing device that compares the query abstract to the plurality of abstracts stored in the reference database to identify a matching signal abstract; and a device for retrieving the signal corresponding to the matching signal abstract; and a device :for conducting a transaction, the transaction selected from the group consisting of a download and a subscription. However, Logan et al. do not teach a database containing a plurality of signal abstracts, the plurality of signal abstracts each associated with a corresponding signal wherein each of the plurality of the signal abstracts retains a perceptual relationship with the corresponding signal; and including all of the other limitations in the respective independent claims.

7. U. S. Patent No. 6,088,455 to Logan et al. is the reference closest to the claimed invention. Logan et al. disclose a process for analyzing and identifying at least one signal, comprising: receiving at least one reference signal to be identified, creating an abstract of each reference signal received; storing abstracts of each reference signal received in a database; receiving: at least one query signal to be identified, creating an abstract of the received query signal; :and comparing an abstract of said received query signal to the abstracts stored in the database to determine if the abstract of said received query signal is related to any of the stored abstracts.. However, Logan et al. do not teach

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creating an abstract of each reference signal received based on perceptual characteristics representative of parameters to differentiate between versions of the reference and creating an abstract of the received query signal based on the parameters; and including all of the other limitations in the respective independent claims.

***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAROL S. TSAI whose telephone number is (571)272-2224. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ramos-Feliciano S. Eliseo can be reached on (571) 272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 20, 2009

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/Carol S Tsai/  
Primary Examiner, Art Unit 2857

**BLU000663**